



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,017	09/25/2003	Mi Hyun Kim	0465-1978PUS1	7862
2292 7590 03/19/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
ZHAO, DAQUAN				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
03/19/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/671,017

Applicant(s)

KIM ET AL.

Examiner

DAQUAN ZHAO

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44, 46, 48, 50, 52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44, 46, 48, 50, 52, 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 2/25/2009; 11/25/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 44, 46, 48, 50, 52 and 53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 50 is objected to because of the following informalities: claim 50 recites "the apparatus of claim 47", wherein claim 47 is canceled. It is believed claim 50 depends on claim 48. Appropriate correction is required.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not provide proper antecedent basis for the term "computer readable medium" in claims 52-53.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 52-53 are rejected under 35 U.S.C. 101 because claims are directed to non-statutory subject matter.

The specification does not provide proper antecedent basis for the term "computer readable medium" in claims 52-53. The examiner treats the claimed "computer readable medium" as a signal, which is non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 44, 46, 48, 50 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al (US 6,088,507) and further in view of Hamada et al (US 6,430,122 B1).

For claim 44, Yamauchi et al teach a method of controlling resume-playback of one or more titles recorded on a recording medium (e.g. column 23, lines 25-30, movie A TV on-air version is resume), comprising: reproducing a first title (e.g. column 23, line 59- column 24, line 21, movie A corresponds to the claimed first title); receiving a user

input for playback of a second title (e.g. column 23, line 59- column 24, line 21, title menus corresponds to the claimed second title); storing resume information of the first title in a storing unit of apparatus (e.g. column 10, lines 35-47, the system has to know the return position of Movie A in order to resume back to movie A, it is believe the "return destination address" is used for resume back to the position of movie A when user presses the MENU key); reproducing the second title according to the user input for playback of the second title (e.g. column 23, lines 25-31 and column 23, line 59- column 24, line 3); receiving a user input for resuming playback of the first title (e.g. column 24, lines 8-21); and resuming playback of the first title based on the resume information of the first title by executing a resume command (e.g. column 10, lines 35-47, the system has to know the return position of Movie A in order to resume back to movie A, it is believe the "return destination address" is used for resume back to the position of movie A when user presses the MENU key), wherein the resume information of the first title includes: resume position information used to represent resuming playback position of the first title (e.g. column 10, lines 35-47, the system has to know the return position of Movie A in order to resume back to movie A, it is believe the "return destination address" is used for resume back to the position of movie A when user presses the MENU key); title number of the first title (e.g. figure 9 shows "0 no-cut version", "1 Theater version" and "2 TV on-air version", the examiner consider Movie A "TV on-air version", which corresponds to "title number" 2, The system has to know it is assuming back to the position for TV on air version of Movie A, which has a number 2

corresponds to it as shown in figure 9); and highlighted button number for selection state (e.g. figure 11 shows the highlighted button).

Yamauchi et al fail to teach resumable flag which indicates whether the title is resumable or not; the resume command being contained in a command group of the recording medium. Hamada teaches resumable flag which indicates whether the title is resumable or not (e.g. figure 36, column 22, lines 11-34, resume_switch is an area used for recording a flag to indicate whether resume function related information is valid or invalid); the resume command being contained in a command group of the recording medium (e.g. figures 1-3, Volume.TOC is contain in the recording medium, column 8, lines 41-46, figure 1 is the layout of the recording medium, wherein figures 2-3 shows that command volume_information() is contained in the Volume.TOC and resume() is one of the command in volumn_information() as shown in figure 3). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hamada into the teaching of Yamauchi et al to resume back to the original video information effectively and efficiently.

Claim 48 is rejected for the same reasons as disclosed in claim 44 above, wherein Hamada teaches a pick up unit to read/write data from/on the recording medium (e.g. figure 25A, optical head 2); a storing unit configured to store resume information (e.g. resume information of figure 1-3 must be stored in the optical disk through write-in channel buffer 11) ; and a controller (e.g. figure 18, system controller 13).

Claim 52 is rejected for the same reasons as discussed in claim 44 above, wherein Yamachui et al teaches a computer readable medium including video data and management information recorded by a recording device and configured to be reproduced by a reproducing device in a manner instructed by the management information (e.g. figure 3, video Title Set Management information and VOB Set corresponds to the video title), the computer readable medium comprising: a first area configured to store data streams of one or more titles (e.g. figure 3, the video data area from VOB#1 to VOB #N must contains plurality of title as shown in figure 9: Movie A, Movie B and Game); and contains a navigation command, the navigation command being used to instruct an apparatus to store resume information into a storing unit (e.g. figure 9 is the well known navigation packet in the convention DVD data structure and column 10, lines 35-57 teaches the DSI packet in the navigation packet contains the return destination address for resume a reproduction of an title).

Yamauchi et al fail to teach a second area configured to store one or more command groups. Hamada teaches a second area configured to store one or more command groups (e.g. figure 3, the command volumn_information() contains the resume() command). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hamada into the teaching of Yamauchi et al to resume back to the original video information effectively and efficiently.

For claims 46 and 50, Yamauchi teaches the first title is a main title and the second title is a menu title (e.g. column 23, line 59- column 24, line 21, movie A is consider to be the claimed main title)

For claim 53, Yamauchi teaches the first area further stores a data stream associated with a menu domain (e.g. column 23, line 59- column 24, line 21, movie A is associate with menu, also see figure 9 since user select Movie A from the menu of figure 9).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621